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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 546/2017, CM APPL.29663/2017

PANKAJ TANDON & ORS Appellants
Through: Mr. Sunil Fernandes with Mr. Arnav, Mr.
Vidyarth, Ms. Anju Thomas and Ms. Nupur Kumar,
Advocates.

versus
PRADEEP KUMAR & ORS. Respondents
Through: Mr. Sanjeev Sabharwal, Standing Counsel
for DDA.
Mr. Naushad Ahmed Khan, Advocate for
GNCTD/Resp-5&6.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE SUNIL GAUR

% **ORDER**
22.08.2017

1. The appellant is aggrieved by the order of the learned Single Judge. The Single Judge had quashed the order of the SDM, Kalka Ji, holding that having regard to the state of the record and the previous order of the Revenue Assistant which had permitted fencing, the order impugned in the writ petition could not be sustained. The appellant appears to have approached the Court for initiation of contempt proceedings complaining that despite the quashing of the order by the Single Judge, DDA proceeded to have it executed and have the appellant's fencing removed. In support of this application, the appellant has relied upon certain photographs evidencing that the fencing was removed on 27.07.2017 after the Single Judge's order on 21.07.2017. We notice that the Single Judge has set aside the order of the SDM Kalka Ji dated 18.07.2017 which meant that

there was no order authorising the removal of the fence then in existence.

2. When the matter was initially listed before the Single Judge hearing contempt proceedings, he was of the opinion that the *status quo* only bound the petitioner but not the DDA. A plain reading of the order of 21.07.2017 would show that the order of the SDM, Kalka Ji had been set aside in entirety. This meant that all parties, i.e., DDA, SDM and the appellant were bound to maintain the *status quo* and not only one of the parties. In other words, there was no order authorising removal of the fence.

3. In these circumstances, it would only be appropriate that the learned Single Judge hearing the contempt proceedings, i.e., Contempt Case No.532/2017 should hear it at his utmost expedience. The parties are directed to be present before the Single Judge on 6th September, 2017 when Contempt Case No.532/2017 shall be listed.

4. Learned counsel for the DDA has accepted notice in the said contempt proceedings. We are informed that the SDM, Kalka Ji is seized of the matter pursuant to the remand order dated 21.07.2017 by the Single Judge. In case no decision is given by the SDM within two weeks from today, it shall be open to the appellant to restore the *status quo ante* as existing on the date of the order, i.e., 21.07.2017.

5. The appeal is disposed of in the above terms.

6. A copy of this order be given **dasti** under the signatures of Court Master to all the parties.

S. RAVINDRA BHAT, J

SUNIL GAUR, J

AUGUST 22, 2017/vikas/